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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,318	11/02/2001	John Joseph King	LF101US	8272

7590 03/06/2003
John J. King
1481 Cantigny Way
Wheaton, IL 60187

EXAMINER

NGUYEN, DUC M

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 03/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,318

Applicant(s)

King et al

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 30, 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other:

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DETAILED ACTION

This action is in response to applicant's response filed on 12/30/02. Claims 1-20 are now pending in the present application. **This action is made final.**

Information Disclosure Statement

1. The references listed in the information disclosure statements submitted on 12/30/02 has been considered by the examiner (see attached PTO-1449).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims **1-20** are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims recite the limitation of “**simultaneously** displaying a **plurality** of picture files on a display of the cellular phone”. However, the specification merely describes a method and apparatus for displaying a picture and content relevant information associated with the picture file on a display as a screen saver (i.e, see Abstract and page 5, lines 4-27), hence, the above claimed limitation presents new subject matter situations and was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-3, 5, 7-8, 11, 14, 16-17, 19 are rejected under 35 U.S.C. 102(a) as being anticipated by **Lekvena** (PCT Pub. Number **WO 00/25501**).

Regarding claims 1-3, 5, 7-8, **Lekvena** discloses a graphic user interface for a wireless communication device (cellular phone, see col. 1, lines 8-9) for simultaneously displaying a plurality of graphic images (picture files) associated with telephone numbers (see Abstract, Figs. 3-4 and col. 9, lines 9-20), which would include all the claimed limitations, comprising :

- receiving a plurality of picture files as claimed (see col. 6, line 32 - col. 7, line 5 and col. 12, lines 32-36);

- storing a plurality of picture files as claimed (see col. 7, lines 1-5);

- simultaneously displaying a plurality of picture files as claimed (see Figs. 3-4 and col. 9, lines 9-20);

- a user interfaces and program for enabling display of a plurality of picture files as claimed (see Abstract, Figs. 3-4 and col. 9, lines 9-20);

- a circuit for downloading picture files from a remote device by a wireless (RF) protocol from telecommunication networks (see col. 7, lines 1-5);

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- displaying content information (telephone numbers) with picture files (see col. 9, lines 9-20).

Regarding claims **11, 14, 16-17**, the claims are interpreted and rejected for the same reason as set forth in claims **1-3, 5, 7-8** above.

Regarding claim **19**, it is rejected for the same reason as set forth in claim **1** above. In addition, **Lekvena** discloses the step of downloading content information (telephone numbers) associated with picture files as claimed (see col. 9, lines 9-20, col. 13, lines 22-34).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims **4, 6, 13, 18** are rejected under 35 U.S.C. 103(a) as being unpatentable by

Lekvena.

Regarding claims **6, 13, 18**, they are rejected for the same reason as set forth in claim **1** above. In addition, since sending/receiving a picture or file as an attachment to an e-mail message is well known, and since sending/receiving an e-mail message in a cellular network is also well known, and since **Lekvena** discloses the graphic images are either downloaded from a computer or from the telecommunication network through RF link, it would have been obvious

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to one of ordinary skill in the art at the time the invention was made to further modify the above teachings of **Wells** for downlink picture files as an attachment to an email message as well, for being able to receive picture files from a computer terminal remotely.

Regarding claim 4, it is rejected for the same reason as set forth in claim 6 above, wherein it would have been obvious that an e-mail message comprises a wired protocol.

8. Claims 9-10, 12, 15, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable by **Lekvena** in view of **Wells** (US Pat. Number 5,870,683).

Regarding claims 9, 12, **Lekvena** discloses all the claimed limitations, see claim 1 above, except for displaying a predetermined picture file as a screen saver. However, **Wells** discloses a method for selectively displaying one of a plurality of graphical information sequences (GIS) during an idle state (screen saver) of the mobile station (see Abstract and col. 10, lines 48-55) which teaches such limitation. Since **Lekvena** and **Wells** both disclose a cellular phone device, and since **Lekvena** discloses a graphic user interface, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the above teachings of **Wells** into **Lekvena** as well, for enhancing features of cellular phones such as screen saver feature, for entertaining and power saving.

Regarding claims 10, 15, 20, they are rejected for the same reason as set forth in claim 9 above. In addition, it would have been obvious that **Lekvena** as modified would disclose the step of allowing a user to access a screen saver program from a remote device (see **Wells**, col. 4, lines 5-10, col. 10, lines 9-25).

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Response to Arguments

9. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- **Toshiaki et al** (Japan Pub. Number JP 02089482), Video telephone set.

- **Rosecrans et al** (EP Pub. Number 0858202), A graphical user interface for use with a telephone directory.

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- **Kadowaki et al** (EP Pub. Number 0773685), Multi-media communication apparatus.

12. **Any response to this final action should be mailed to:**

Box A.F.

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

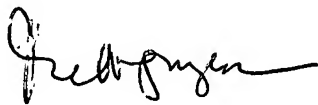
(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or communications from the examiner
should be directed to Duc M. Nguyen whose telephone number is (703) 306-4531, Monday-
Thursday (9:00 AM - 5:00 PM). Or to Vivian Chin (Supervisor) whose telephone number is
(703) 308-6739.

Any inquiry of a general nature or relating to the status of this application should be
directed to the Group receptionist whose telephone number is (703) 305-4700.

Duc M. Nguyen



Mar 3, 2003